

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**6:30 P.M., P.D.S.T., TUESDAY, JULY 5, 2011**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

The meeting was called to order by Chairman Jeff Thompson.

**ROLL CALL**

Present: Jeff Thompson, Doug Owen, Reece Keener,  
John Anderson, Alene Sutherland

Absent/Excused: 2 vacancies

City Staff Present: Delmo Andreozzi, Assistant City Manager  
Scott Wilkinson, Development Manager  
Josh Carson, Deputy Fire Marshall  
Jeremy Draper, Civil Engineer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** March 15, 2011 – Special meeting

**\*\* Commissioner Owen moved to approve the minutes of March 15, 2011, special meeting in their entirety. Commissioner Keener seconded the motion.**

**The motion passed unanimously.**

April 5, 2011 – Regular meeting

**\*\* Commissioner Owen moved to approve the minutes of April 5, 2011, regular meeting in their entirety. Commissioner Sutherland seconded the motion.**

**The motion passed unanimously.**

April 19, 2011 – Special meeting

**There was no quorum present to approve the April 19, 2011, special meeting minutes due to Commissioners Keener and Anderson not being present at the April 19, 2011, meeting.**

May 3, 2011 – Regular meeting

**\*\* Commissioner Keener moved to approve the minutes of May 3, 2011, regular meeting as submitted. Commissioner Anderson seconded the motion.**

**The motion passed unanimously.**

**I. PUBLIC COMMENT PERIOD**

This agenda item is to provide time for the general public to address the Planning Commission regarding items of concern not specifically listed on the agenda. Action cannot be taken at this time, but a matter can be set on the agenda for a future meeting, as appropriate.

**There were no public comments made at this time.**

**II. OLD BUSINESS**

**A. PUBLIC HEARINGS**

1. Review and consideration of a request for extension of Conditional Use Permit No. 1-10, filed by Alltel Communications (now AT&T) and Charles Chester, to install a 50' monopole telecommunications tower with 3 panel antennas and the inclusion of omni antennas, replacing the existing 40' tower owned by the State of Nevada Department of Information Technology, and installing radio equipment inside one of the vacant storage areas located in the rear of the lot within a C (General Commercial) Zoning District, and matters related thereto. **ACTION ITEM**

The subject property is located generally northwest of the intersection of Connolly Drive and Mountain City Hwy (2950 Mountain City Hwy).

The applicant sent an email asking that this item be tabled.

Mr. Andreozzi indicated the Planning Commission wanted to see some RF maps, as well as the possibility of the applicant evaluating the use of the City's airport tower. The applicant has not had sufficient time to do that.

**Motion:** Table the extension request for Conditional Use Permit No. 1-10 until August 2, 2011,

**Action:** Table, **Moved by** Doug Owen, **Seconded by** Alene Sutherland

**The motion passed unanimously.**

**III. NEW BUSINESS**

**A. PUBLIC HEARINGS**

1. Review and consideration of Variance No. 5-11, filed by Alfredo Uribe, to increase the density of no more than one mobile home per space in an RMH-2 (Residential Mobile Home) Zoning District to two (2) mobile homes per space, and matters related thereto. **ACTION ITEM**

The subject property is located generally on the southwest corner of Douglas and 4<sup>th</sup> Streets (320 Douglas Street).

Bob Morley, High Desert Engineering, 640 Idaho Street, representing the applicant wanted to defer to Mr. Wilkinson and answer questions afterward.

Mr. Wilkinson noted the applicant purchased all the homes on the half block in 1993. He was before the Planning Commission in 1994 and 1996 trying to parcel the property with three trailers on one parcel. In order to do that he needed vacation on 4<sup>th</sup> street; that never took place. The applicant submitted another parcel map recently; the lot on the left has one trailer with a 5,000 sq. ft. lot, and the lot on the right has two trailers with a 7,500 sq. ft. lot. We asked City Council to authorize Staff to approve that parcel map because 5,000 sq. ft. is smaller than the lot requirement in an RMH-2 district. The conditions of the parcel map are to obtain variances if required for setbacks from a public street and to allow two mobile homes on one lot. The City Council approved the 5,000 sq. ft. lot. However, we've discovered the Planning Commission cannot take action to increase density in a zoning district; based on that we recommend denial. The applicant can then appeal this to City Council.

Mr. Andreozzi supports Mr. Wilkinson regarding recommendations. City Code states the Planning Commission does not have the ability to increase the density in a zoning district with a variance, so we also recommend you deny this request.

Mr. Morley explained the parcel map was to allow the applicant to sell the third trailer to the person who's been living there for a while. The parcel map was approved, but the remaining parcel had the problem of two trailers on it. We're aware the Planning Commission can't increase the density and understand that. We're willing to appeal to City Council with a denial.

Mr. Wilkinson noted the Planning Commission took action in the past to approve some things that they probably shouldn't have. City Council took action in 1996 to vacate 10 feet of 4<sup>th</sup> street, but it never went anywhere.

Chairman Thompson noted there's lots of history.

Mr. Wilkinson indicated there are still memos from both the Planning and Development Departments.

Mr. Morley stated there have been some building permits issued, so we have some basis for appeal.

Mr. Wilkinson indicated the permit he's looking at is dated 2001 and it's for utilities, but the applicant admitted to placing all the trailers around 1994 and had them rezoned. Lot areas were

not being taken into account. In 1994 there was an application to reduce the lot size to 3000 sq. ft. The Planning Commission denied that, but moved to vacate some of 4<sup>th</sup> Street to make the lot over 4,700 sq. ft.

Mr. Morley brings this up because it follows through to the next agenda item.

Chairman Thompson noted we can deny it and then applicant can appeal.

Mr. Wilkinson noted the applicant has 10 calendar days to appeal.

Chairman Thompson noted granting of the variance would impair the purpose or intent of the zoning ordinance.

**Motion:** Deny Variance No. 5-11 on the basis that the Planning Commission does not have the authority to allow more than one unit per space in the RMH-2 (Residential Mobile Home) Zoning District as addressed in the first paragraph of City Code Section 3-2-22.

**Action:** Deny, **Moved by** Reece Keener, **Seconded by** Doug Owen

**The motion passed unanimously.**

Chairman Thompson notified the applicant they had the right to appeal to City Council.

2. Review and consideration of Variance No. 6-11, filed by Alfredo Uribe, for a reduction of the required public street setback from fifteen feet (15') down to thirteen feet (13') along Douglas Street and fifteen feet (15') down to ten feet (10') along 4<sup>th</sup> Street, in conjunction with recording a parcel map in an RMH-2 (Residential Mobile Home) Zoning District. **ACTION ITEM**

The subject property is located generally on the southwest corner of Douglas and 4<sup>th</sup> Streets (320 Douglas Street).

Mr. Morley noted you've heard most of the history. The homes have been in place for some time. We just trying to get this cleaned up so the applicant can sell the parcel.

Mr. Wilkinson explained the site plan. It would be costly to relocate the trailers, plus there are probably other properties with similar issues. We recommend conditional approval adding the condition that the right-of-way encroachments as shown on the site plan are addressed. The findings are in the Planning Department's memo.

Chairman Thompson asked if the applicant was agreeable to the condition.

Mr. Morley noted the buildings can be easily moved.

Mr. Keener asked if the shed on 4<sup>th</sup> Street is currently touching the trailer.

Mr. Morley noted there's a little bit of air space, but it's a barn that can be moved.

Commissioner Keener said or turned sideways.

Mr. Morley said it's not attached to the house if that's what you mean.

Mr. Andreozzi supports a conditional approval. Most mobile home building permits are issued by the State, so we don't get to review them. There have been some things that slipped through the crack, but hopefully we can do a better job in the future. The only thing we permit with trailers is the foundation and the utilities. We need to make sure they comply with all the zoning ordinances.

Commissioner Keener noticed this is in the redevelopment district. Will this have to go through a different level of approval?

Mr. Wilkinson noted building permits are being reviewed, but this doesn't go to the RDA.

**Motion:** Conditionally approve Variance No. 6-11 subject to the following condition:

1. Move the shed and garage so they are within the setbacks

Commissioner Keener's findings are this variance is in conformance with the Streets and Highways component of the Elko City Master Plan, Section 3-5 of the City Zoning Ordinance for RMH, Section 3-2-22 of the Elko City Code, there are some special circumstances and conditions that exist with this application, these do result in practical difficulties and hardships for the property owner, the circumstances and conditions are unique and generally do not apply to other properties in the zoning district, granting of the variance will not be detrimental to the public good or adversely affect neighboring properties, granting of the variance will not impair natural resources, and granting of the variance will not compromise the purpose or intent of the Code.

**Action:** Conditionally Approve, **Moved by** Reece Keener, **Seconded by** Doug Owen

**The motion passed unanimously.**

2. Review and consideration of Rezone No. 7-11, filed by KLO Global, LLC, to consider a change in zoning from County AR (Agricultural Residential) to C (General Commercial) upon annexation to the City of Elko. **ACTION ITEM**

The subject property is located generally south of Mountain City Highway, approximately 118' east of Sundance Drive.

The applicant was not present.

Mr. Wilkinson noted Staff recommends conditional approval of a zone change, and also recommends the Planning Commission pass a do adopt resolution to City Council based on the recommendation in the Planning Department's memo and the condition listed in the

Development Department's memo. City Council approved the first reading of the ordinance for annexation. We held up the second reading so these can be heard concurrently.

Mr. Andreozzi supports a recommendation of approval. This is a small piece of a larger property and the intent is to merge the parcels.

Mr. Wilkinson noted if this piece of property is going to be a part of the development project it must be annexed, rezoned and merged so we're eliminating the property line. The annexation is so we don't have two jurisdictions involved; it's a housekeeping issue. County did a land exchange for a realignment of the Sundance right-of-way, but that issue has gone away.

Chairman Thompson noted Annexation No. 1-11 is a condition.

Mr. Wilkinson noted without the annexation we can't rezone the property.

Mr. Morley noted the applicant has already approached High Desert Engineering for doing a merger.

Mr. Wilkinson noted the Master Plan and Zoning Ordinance sections are in the Planning Department's memo.

Commissioner Keener wondered if other findings needed to be provided.

**Motion:** Forward a recommendation of conditional approval to City Council for Rezone No. 7-11 subject to the following condition:

1. The City Council approves Annexation No. 1-11.

Commissioner Owen's findings are this rezone conforms to City Code Section 3-2-3, Section 3-2-4, Section 3-2-10 (B), Section 3-2-21, the Redevelopment Plan, the Wellhead Protection Plan, and Land Use and Transportation components of the Elko City Master Plan.

**Action:** Conditionally approve, **Moved by** Doug Owen, **Seconded by** Reece Keener

**The motion passed unanimously.**

#### **IV. REPORTS**

##### **A. Summary of City Council Actions.**

Mr. Andreozzi noted the City Planner resigned, but there is a hiring freeze. We took it to City Council for consideration of backfilling the position. It was approved and we will begin recruitment soon. City Council accepted the resignations of Brent Elmore and Rich Perry, and we are seeking to fill those two positions. Two interested parties are in the audience tonight. We've received three applications to date.

##### **B. Summary of Redevelopment Agency Actions.**

Mr. Andreozzi noted CRSA will be here the 12<sup>th</sup> for the RDA Plan update. The RDA Advisory Council is exploring a mechanism to allow adjoining businesses the use of sidewalks or right-of-way for dining, sidewalk sales, etc. We're also doing a recognition committee made up of ECEDA, Chamber of Commerce, RDAAC, and Staff for recognizing those who go above and beyond minimum standards of Code in the RDA area.

- C. Professional articles, publications, etc.
  - 1. Zoning Bulletin
  - 2. Zoning Practice
- D. Preliminary agendas for Planning Commission meetings.
- E. Elko County Agendas and Minutes.
- F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.
- G. Staff.

**NOTE:** The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time.

## **V. ADJOURNMENT**

**There being no further business, the meeting was adjourned.**

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Jeff Thompson, Chairperson

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Reece Keener, Secretary